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MEMO ENDORSED

October 27, 2020

VIA ECF

Honorable Edgardo Ramos, U.S.D.C.J.
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

**Re: *Gerald Green v. Capital One, N.A. and Square, Inc.*, Index No. 1:20-cv-04655:
Withdrawal of Motion to Dismiss (Without Prejudice) and Request For An
Extension of Time to Respond to the Amended Complaint**

Dear Judge Ramos:

We represent Defendant Capital One, N.A. ("Capital One") in the above-referenced action and write the Court jointly with Plaintiff Gerald Green.

On September 23, 2020 Capital One filed a Motion to Dismiss the Complaint [Dkts. 20-22]. Pursuant to the Court's memo endorsement, Plaintiff was directed to file its response to Capital One's Motion to Dismiss by October 16, 2020. [Dkt. 23]. On October 13, 2020, Plaintiff filed a Letter Motion, on consent, requesting a two-week extension of time to respond to Capital One's Motion to Dismiss, which was granted on October 14, 2020 [Dkts. 26, 28]. Plaintiff filed an Amended Complaint on October 14, 2020. [Dkt. 27].

In light of the filing of the Amended Complaint, Capital One's Motion to Dismiss is now moot. Accordingly, Capital One withdraws the Motion to Dismiss without prejudice and with the consent of Plaintiff. In addition, with Plaintiff's consent, Capital One respectfully submits this request for an extension of time to respond to the Amended Complaint.

Pursuant to Rule 6 of the Federal Rules of Civil Procedure and Rule 1(E) of Your Honor's Individual Practices, Capital One states the following in support of its request:

1. Capital One was served with the Amended Complaint on or about October 14, 2020.
2. This is Capital One's first request for an extension of time to answer or otherwise respond to the Amended Complaint. Capital One's current deadline to respond to the Amended Complaint is October 28, 2020.



3. Plaintiff has consented to a three-week extension of Capital One's time to respond to the Amended Complaint to November 18, 2020.

In light of the foregoing, Capital One respectfully requests the Court extend the time for Capital One to answer or otherwise respond to Plaintiff's Amended Complaint until November 18, 2020.

We thank Your Honor for your consideration of these requests. If Your Honor has any questions or concerns, please do not hesitate to contact my office.

Respectfully submitted,

/s/ Stephen J. Steinlight
Stephen J. Steinlight

cc: All Counsel of Record (via ECF)

Capital One's request for an extension of time to respond to the Amended Complaint, Doc. 27, is GRANTED. Capital One must respond to the Amended Complaint no later than November 18, 2020. Capital One's motion to dismiss the Complaint is dismissed without prejudice. The Clerk of Court is respectfully directed to terminate the motion, Doc. 20. IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Edgardo Ramos".

Edgardo Ramos, U.S.D.J

Dated: 10/28/2020

New York, New York